



Idaho Department of Environmental Quality
DRAFT §401 Water Quality Certification

February 8, 2007

Section 404 Permit Application Number: **NWW No. 052100024** Discharge of fill material to waters of the U.S., Valley County, Idaho

Pursuant to the provisions of Section 401(a)(1) of the Federal Water Pollution Control Act (Clean Water Act), as amended, 33 USC Section 1341 (a)(1), and Idaho Code §§ 39-101 et.seq., and 39-3601 et.seq., the Idaho Department of Environmental Quality (IDEQ) has authority to review Section 404 permits and issue a water quality certification decision.

IDEQ has reviewed the facts and information presented in the application for a Clean Water Act section 404 permit from the Army Corps of Engineers for the proposed Gold Fork Bay Village. DEQ has also reviewed and considered other material and information related to the proposed project, including but not limited to the following: the Public Notice regarding the project published by the Corps of Engineers on October 19, 2006; the comments and information provided by Neighbors for a Healthy Gold Fork (Neighbors) and others related to the project; the Petition for a Contested Case Before the Idaho Board of Environmental Quality filed by the Neighbors and all information filed with the Petition by Neighbors; the Gold Fork Bay Village Storm Water Management Handbook dated January 2007; the Cascade Lake Watershed Management Plans and Implementation Plan; the Storm Water Pollution Prevention Plan developed as required by the General NPDES Permit for Storm Water Discharges From Construction Activities; and the letter dated January 22, 2007 from Sesech Engineering, Inc. to the Army Corps of Engineers providing supplemental information. In addition, DEQ has evaluated the potential sediment and phosphorus load from the pre and post development impacts considering the mitigation measures proposed in the above-referenced Storm Water Management Handbook. This evaluation included the use of a nationally known model (Spreadsheet Tool for Estimating Pollutant Load, STEPL) for evaluating runoff from sites such as the proposed development.

Based upon its review and consideration of the information and analysis listed above, DEQ certifies, pursuant to the provisions of Section 401 of the Clean Water Act that, if the proposed project is implemented in accordance with the information provided in the application, the developer's Stormwater Management Handbook, the Storm Water Pollution Prevention Plan and the supplemental information provided to the Army Corps of Engineers, and in accordance with the conditions provided in this certification, there is a reasonable assurance the discharges associated with the Gold Fork Bay Village Project, will comply with the applicable requirements of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, including the Idaho Water Quality Standards (WQS)(IDAPA 58.01.02).

This certification does not constitute authorization of the permitted activities by any other state or federal agency or private person or entity. This certification does not excuse the permit holder from the obligation to obtain any other necessary approvals, authorizations or permits.

CONDITIONS THAT ARE NECESSARY TO ASSURE COMPLIANCE WITH WATER QUALITY STANDARDS

Fills

All temporary fills shall be removed in their entirety on or before the completion of construction.

Fill material may only be placed in the locations identified on the Gold Fork Bay Village Storm Water Management Handbook dated January 2007 for the purpose of re-establishing a properly functioning wetland. Fill materials may not be placed in a manner so as to impair surface or subsurface water flow into or out of any existing wetland area.

Placement of fill material in existing vegetated wetlands shall be minimized to the greatest extent possible.

Fill material shall be free of organic and easily suspendable fine material. The fill material to be placed shall include clean earth fill, sand, and stone only.

Whenever practicable, discharges of dredged or fill material shall be conducted during low flow periods.

Erosion Control

Disturbance of the existing lake bottom and any native vegetation shall be kept to a minimum. Areas disturbed by a project which are suitable for vegetation shall be seeded or revegetated to prevent subsequent soil erosion.

Sediment that is the result of this activity must be mitigated to prevent violations of the turbidity standard as stipulated under Section 58.01.02.250.02.e of the Idaho Water Quality Standards. During the project construction, the permittee must monitor turbidity at two locations (background and at the point of discharge) once per day when there is discharge to Lake Cascade. IDEQ staff can assist in the selection of sampling locations. Any violation of the turbidity standard must be reported to the Boise Regional IDEQ office immediately.

Permanent erosion and sediment control measures shall be installed at the earliest practicable time consistent with good construction practices and shall be maintained as necessary throughout the operation of the project. One of the first construction activities shall be the placement of permanent and temporary erosion and sediment control

measures around the perimeter of the project or initial work areas to protect the project water resources.

Construction Activities

Work in open water is to be kept at a minimum and only when necessary. Equipment shall not enter open water unless absolutely necessary to complete the work.

Equipment and machinery must be removed from the vicinity of waters of the state prior to refueling, repair and/or maintenance. Measures shall be taken to prevent spilled fuels, lubricants, or other toxic materials from entering any waters of the state.

Heavy equipment working in wetlands shall be placed on mats or suitably designed pads to prevent damage to the wetlands.

Measures shall be taken to prevent the entrance of wet concrete into waters of the state when placed in forms and/or from washing of trucks.

To the extent reasonable and cost-effective, the activity submitted for certification shall be designed to minimize subsequent maintenance.

Docks

Foam floatation for docks or other floating structures shall not be used unless the material is completely encased in a manner that will maintain the structural integrity of the foam. The encasement shall be of sufficient strength to prohibit the entry of rodents.

Dock construction activities shall be performed above the high-water mark unless it is impractical or not economically feasible.

ADMINISTRATIVE CONDITIONS

This certification shall remain in effect until December 31, 2009, at which time construction must be completed.

Water quality certification provided herein shall be revoked for failure of the permittee to comply with the conditions of this certification or the terms and conditions of the referenced permit. Revocation shall become effective upon written notice to the permittee, and all activities permitted under the referenced permit shall immediately cease until the permittee obtains another water quality certification from IDEQ.

Any material modification of the permit or the permitted activities shall first be provided to DEQ for review to determine compliance with Idaho WQS and to provide additional certification pursuant to §401.

Questions or comments regarding the actions taken in this draft certification should be directed to Craig Shepard, Boise Regional Office IDEQ at (208) 373-0557 or craig.shepard@deq.idaho.gov.

Barry N. Burnell

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IDEQ Water Quality Division